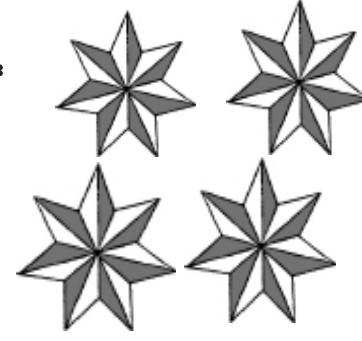


DGWY * DS4oL

"The Only Independent Cherokee Newspaper"

Vol. 15 No. 4-5 - April/May 2007



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Serving the Cherokee People Since 1992

D.C. Attorneys against Freedmen Resign from representing the Cherokee Nation of Oklahoma

Say Case Is About Civil Rights, Not Sovereignty

April 16, Attorney General for the Cherokee Nation, Diane Hammons and Secretary of State, Melanie Knight stood before the Council stating the Administration was requesting another \$500,000 for attorney fees to protect the sovereignty of the tribe in a federal suit filed by Cherokee freedmen in Washington D.C. However on the following day one of the best sovereignty firms in America retained by the tribe resigned stating the case was no longer about sovereignty but about Civil Rights.

The Washington DC firm of Synosky, Chambers & Miller bowed out of the high profile case that has been covered in news around the world after a special election was held where Cherokees voted to revoke citizenship rights of black Cherokees who had been citizens by a federal treaty for 140 years. The firm stated civil rights law was not one of their specialties and they would no longer represent CNO.

Chief Chad Smith filed a motion to intervene in the

Cherokee freedmen federal lawsuit in 2004. Two months after the tribe had intervened Smith requested the Council to approve the intervention. Council in a split decision approved his actions funding Smith's request of \$500,000 for attorney fees.

Cherokee citizen John Cornsilks filed suit in the JAT asking the court to rule that Smith had used the law retroactively by not receiving permission by Council prior to the intervention and that retroactive operation within the tribe is unconstitutional. However the JAT dismissed the case ruling that Cornsilks did not have standing to file the issue.

Although at the time of the meeting Councilors were unaware the firm was about to resign. Inside sources say the Administration knew and were making a last ditch effort to manipulate Council to fund the appropriation so they could keep the firm by paying a million dollar retainer.

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Has Cherokee Nation Been Organized

Or Is Organized Crime Taking Over?

A person's belief system is the foundation of their being. Their actions are based on their attitudes and perception of what they believe to be true and their ability to distinguish right from wrong.

Politics is perception. Whenever any political official has the ability to control what the media presents as the truth, those politicians have incredible power to influence the actions of voters in elections. The main way the Cherokee people have been controlled for decades is by keeping them poor and keeping them ignorant of the facts.

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Voting Record – A Report Card For Incumbents

by Ed Crittenden

Parents generally examine their child's report card to see how well their child is learning and doing their work well at school.

Incumbents vying for re-election have something similar tells a lot about their loyalty to the people that elected them by looking at their voting record.

Few voters however have the time or inclination to research their representatives' record to see how they voted on issues and if they are worthy of another term in office. Most people probably spend more effort selecting the best movies to watch than they do determining their leaders.

For this reason we at the Observer feel it worth our effort to make it easier for you the

voter to grade your representative prior to the election. We encourage you to examine how as small block of only six votes can stop the Legislative from functioning as your conscience within the government and turn it into a tool for a Chief.

Incumbents may have a closet full of skeletons that you the voter need to know about and the bones are easy to find just by looking at their voting record. Don't you want to know if a mechanic will treat you right if you trust them to work on your automobile? Do you ask to see if a good barber or hair stylist is good before you just sit down in their chair? As

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EDITORIAL

Smith's Candidacy for illegal Third Term Threatens \$240 Million in CNO Federal Funding

Unconstitutional Candidate Embarrasses Nation with Naked Power Grab and Precipitates New Crisis in CNO Tribal Government by Robin Mayes

Chad Smith's desperate, illegal attempt to run for a third term as Principal Chief cannot be seen as anything other than a *naked power grab*. Having so publicly disrobed himself in violation of the Section 1 of Article VII of the 1999 Cherokee Constitution, which expressly makes the two-term office holder *ineligible* for a third consecutive term. Smith has made it clear for all to see that even if he could win another election, he would be nothing but an emperor with no clothes: an unconstitutional figurehead who would be for all purposes *legally impotent*. Is that a spectacle the Cherokee people really want the world to witness? Aside from making a laughing stock of himself and the Cherokee Nation of Oklahoma (CNO) by trying to evade the two term limit of the new constitution, Smith would invite the almost certain and immediate termination of all CNO federal funding and thereby precipitate yet another tribal governmental catastrophe.

Even if Chad Smith can convince a majority of Cherokee voters to cast a ballot for him, and did so without resorting to vote-fixing ploys, he still could not lawfully assume the office of Principal Chief for a third term. He is constitutionally ineligible to hold that position and, if elected, his entire administration would be without lawful power to act or, in legalese; his administration would be technically *ultra vires*, which means simply, lacking legal authority under controlling federal and tribal law. As an illegitimate putative executive office holder, all his acts while pretending to hold office would be as illegitimate as his claim to the position he would be illegally occupying.

Like the authority on which they would be based, all acts Smith might perform in an unconstitutional third term would themselves be *ultra vires* and invalid. The moment Smith were to attempt to assume the office of Principal Chief for a prohibited third

consecutive term, the CNO would be without a legally cognizable chief executive officer and would thereby lose any lawful capacity to administer federal funds allocated to the tribe. The CNO would be legally headless and powerless to perform any executive function of tribal government whatsoever.

An unconstitutional third Smith term, therefore, threatens CNO with a reign of legal chaos, confusion and a protracted cycle of tribal and federal court litigation that promises to permanently undermine what little is left of CNO governmental legitimacy after Smith's legacy of illegality and abuse of power. The tribal governmental paralysis that would almost surely ensue, taken together with the obvious illegality of any third-term Smith regime, would immediately place in jeopardy continued federal funding for CNO operations.

Under such circumstances, the federal government would have no choice but to cut federal funds totaling around \$240 million or roughly 80 percent of the CNO's \$300 million tribal budget until such time as CNO could restore constitutional government and the rule of law.

This is not as fanciful a scenario as Smith and his cronies want tribal members to believe. At this very moment, members of the Black Caucus of the U.S. House of Representatives are already drafting legislation that would freeze all federal funds to the CNO until it stops illegally discriminating against the black tribal members known as the Freedmen in blatant violation of the guarantee of equal protection of the laws in Section 1 of the Bill of Rights in Article III of the 1999 Cherokee Constitution as well as the Indian Civil Rights Act of 1968 (ICRA). ICRA expressly prohibits all tribal governments from denying to "any person within its jurisdiction the equal protection

Audit Shows CNI Writes Off \$4.8 Million Loss

Councilors' Proof A Scam Was Real

Cherokee Nation Industries, (CNI) year end financial audits were finally brought before Council in April to reveal the true conditions of the corporation and its subsidiaries after \$4.8 million was finally written off as losses from a series of bad investments.

In June 2006, seven Councilors stopped the profuse bleeding of money out of the tribe into what they called "a bottomless pit of deception" by filing a Securities Fraud lawsuit in Federal Court naming Chief Chad Smith, CEO of CNI, Jim Majewski and the Executive Director of Business Development Benny Dixon.

Evidence was never heard before Judge Seay of the Muskogee Federal Court who dismissed the case ruling Councilors lacked standing to file it. According to the Judge only the stockholders or the Board who voted to purchase the stock would have standing. CNI is a wholly owned corporation of Cherokee Nation with the Chief being the only stockholder. All Board members of CNI are appointed by the Chief.

Councilors filing the case were: Joe Crittenden, of Adair County, David Thornton of Sequoyah County, Bill John Baker, of Cherokee County, Linda O'Leary and Melvinia Shotpouch of Delaware County, Chuck Hoskin of Craig County and Johnny Keener of Mayes County.

Councilors used their own money to file the lawsuit choosing not to appeal the dismissal because of growing costs.

Councilors were successful in exposing investments that could be seen as nothing less than a scam spending millions on investments that were worthless but being shown on financials as inflated assets, which engaged the Federal Securities Exchange Commission, (SEC).

CNI and the tribe paid for Smith, Majewski and Dixon's attorneys until Majewski was dismissed for cause by the Board. Dixon resigned shortly after the investigation became public.

Councilor Linda O'Leary, Chairman of the Councils' Executive and

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Cherokee Nation of Oklahoma



General Election
set for June 23, 2007



Candidates for Principal Chief



illegal Third Term
Chad Smith
incumbent

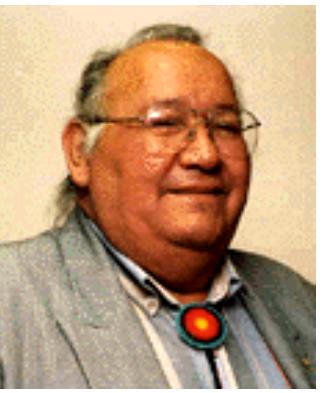


Stacy Leeds

Candidates for Deputy Principal Chief



Joe Grayson
incumbent



Raymond Vann

See Tribal District Representatives Candidates on page

of its laws or deprive any person of liberty or property without due process of law." The disgraceful, racist treatment of the Freedmen championed by Chad Smith placed the tribe in indefensible violation not only of the equal protection and due process guarantees of the 1999 Constitution and ICRA, but also solemn tribal treaty obligations with the federal government. If Chad Smith, the leading architect of CNO's inexcusable official discrimination against the Freedmen, attempts to seize power with an illegal third term, the congressional critics of the CNO will have all the justification they need to immediately cut CNO federal funds and effectively shut down the CNO tribal government.

The Bureau of Indian Affairs (BIA) now claims to be investigating the legality of the March 3, 2007 referendum at the behest of U.S. Representative Diane Watson and about two-dozen members of the congressional Black Caucus. Although the BIA is quick to intervene, often illegally, when its own power over tribal governments is threatened by an election outcome, it can be expected to delay making any decision about the fate of the Freedmen for as long as possible for the obvious reason that protecting the federally protected civil rights of tribal members has always ranked among the very lowest priorities of the BIA, which is itself a major and continuing Indian civil rights

Without any doubt, the March 3, 2007 referendum to limit tribal membership "by blood" and effectively revoke the citizenship of existing black tribal members contravenes Cherokee treaty obligations to accept Freedmen as full-fledged tribal members and illegally disenfranchises large numbers of tribal members on the basis of an impermissible

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continued from page 1 **EDITORIAL****Smith's Candidacy for Illegal Third Term Threatens \$240 Million in CNO Federal Funding****Unconstitutional Candidate Embarrasses Nation with Naked Power Grab and Precipitates New Crisis in CNO Tribal Government** by Robin Mayes

offender. In fact, the BIA has officially stated in the past that, as a matter of policy, it will refuse to intervene in tribal affairs to enforce the Indian Civil Rights Act, preferring to allow the federal rights of individual tribal members to be unconsciously violated rather than faithfully exercise its statutory and trust responsibilities to promote respect for the rule of law and democratic self-government. Thus, Cherokees can expect the BIA to do what it has always proven it does best: nothing. Furthermore, the BIA can be expected to do nothing for as long as doing nothing remains in its institutional self-interest.

In the continuing absence of meaningful BIA administrative review of the grotesque abuses of Chad Smith's regime, congressional hostility toward CNO's illegal policies will only increase. If Smith is able to make a grab for a third unconstitutional term in office, the disintegration of the rule of law within the CNO will be complete and Congress, under mounting pressure from the justifiably outraged Black Caucus, will almost certainly suspend federal funding for the CNO until the internal constitutional crisis caused by a Smith candidacy subsides.

Chad Smith has been quoted as declaring that the "greatest exercise" of tribal "sovereignty" is to pass our own constitution, "without interference from outsiders," but he has apparently forgotten where the sovereignty of the Cherokee Nation truly resides. Since time immemorial, the right of self-government, which the European invaders called "sovereignty," has resided not in all-powerful tribal dictators, but with the people themselves. If any tribal constitution has any claim to legitimacy, it is only because it

is the authoritative expression of the will of the people for whose benefit it was created. But Chad Smith apparently has a different view of tribal sovereignty.

Apparently, Chad Smith thinks sovereignty resides not in the people, but in himself and, since he sees himself as the sovereign, he feels that he is above the law, above the Cherokee constitution, above even the will of the people. In other words, by seeking an unconstitutional third term in office, Chad Smith has become a law unto himself, unconstrained by any constitutional rule in his ruthless pursuit of power.

Chad Smith really thinks that *he is the tribal sovereign*, but our ancestors were never ruled by emperors and our constitution forbids imperial rule today. Although Chad Smith may think of himself as an emperor dressed in the trappings of unlimited power to do whatever he pleases, this self-appointed tribal emperor has really only just wrapped himself up in the transparent trappings of sham and duplicity which, in the end, have laid bare his abuses for all to see. Emperor Smith, like the self-deluded king in the fairy tale who thought he was wearing the finest clothes money could buy when he was really wearing nothing at all, has at last been embarrassingly exposed by his own pretensions. Emperor Smith has no clothes. Will someone please have the decency to inform His Majesty that the people are finally sick and tired of watching this pathetic display of political impotence? This is one time when even His political adversaries would welcome a "cover-up."

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D.C. Attorneys against Freedmen Resign from representing the Cherokee Nation of Oklahoma**Say Case Is About Civil Rights, Not Sovereignty**

Councilor David Thornton asked Hammons if there are any Cherokee attorneys the tribe could get to represent the tribe in Washington DC Court?

Thornton said "I don't trust these Washington DC attorneys to not run up a bill especially once they know there is a bundle of money that's been funded. We need to at least try to find some Cherokee attorneys if we are going to do this."

Although US District Court Judge Henry H. Kennedy Jr. for the Dist. of Columbia allowed Hammons to make statements as Attorney General for the tribe in a recent hearing over a Motion for Injunction to stop the special election, Hammons said she was not licensed to practice in Washington DC Courts. She also said there are no attorneys on staff in the Cherokee Nation who are capable either. Hammons said the case would require a high powered attorney firm well versed in practicing at that arena.

Within the hearing Hammons told Judge Kennedy that she intended to vote no on the question, and support the freedmen as citizens. She then began to cry and begged Judge Kennedy to not grant the injunction stopping the election because elections are part of the democratic process within the tribe.

Freedmen filed the case after the 2003 election where they were prevented from voting on candidates and constitutional amendments removing BIA oversight of constitutional amendments and the 1999 amendment of the 1976 Constitution. The case is asking that the 2003 election be ruled invalid and a new election held where freedmen can vote. Cherokee election law provides that should the 2003 election have to be held again only candidates who were on the ballot in the first election would be eligible to run in replacement election.

In 2004 a case was filed in the Judicial Appeals Tribunal,

(JAT) by Lucy Allen where the tribe's highest court ruled that Cherokee freedmen are Cherokee citizens and entitled to all rights as citizens including being able to vote in tribal elections.

Within thirty days afterward Jackie Bob Martin introduced a constitutional amendment to the Council that a question revoking citizenship of freedmen be voted on by the Cherokee people. Smith began stirring the communities with racial political pressure to force Council to approve the amendment. A majority approved the question be placed on the ballot in the General Election.

Martin then proposed that the question be placed on special election. However that proposal failed to garner the two thirds support of the Council required by the Constitution to call a special election.

John Ketcher, an eighty plus year old former Deputy Chief and Jody Fishinghawk, who is vying for Martin's seat on the Council, began a petition drive asking that the freedmen question be placed on the ballot in a special election. Once the petition was returned to the Election Commission for verification of signatures it was passed up to the JAT who announced sufficient signatures had been verified. Protest was filed and heard by that court as per petition law.

The first business of the Court was for Chief Justice Mattlock to announce that all subpoenas were invalid because they did not contain gas money for travel and that witnesses did not have to remain to testify. Two thirds of the Courtroom stood up and walked out leaving only a handful of witnesses.

With only a hand full of witnesses left, fraud was proven in the Courtroom that day when Reverend John Summerfield testified that Harley Buzzard, from Delaware County, had approached him to sign a petition which he did. But upon closer examination the witness testified that the affidavit on the back of the petition swearing that Harley Buzzard had

witnessed each person signing the petitions was not signed by Harley Buzzard but instead by his son Darren. Harley Buzzard is presently running on the Chief's political slate for a seat on Council in District 5.

Several other witnesses testified all showing that serious crimes were committed during the petition drive. Chief Justice Matlock interrupted one witness's testimony after the witness admitted signing his wife's signature because she could find her glasses and then signing his own however he was not a tribal member. Matlock warned the witness that maybe he ought to take the Fifth Amendment. Justice Dowty whispered something into Matlock's ear and the Court recessed so that Judges could discuss the matter. When they returned the witness was granted immunity from self-incrimination and allowed to continue testifying.

The testimony of the few witnesses who remained was enough to convince two of the five Judges in a split decision of (3-2). Justice Dowty and Leeds both stated there was too much evidence of criminal activity during the petition drive to hold the petition valid and ordered a criminal investigation begin by the Cherokee Nation Marshals.

Two of the three Justices in the majority were appointed by Smith a few months ago under the 1999 Constitution that increased Justices on the Supreme Court to five.

Ironically the Cherokee freedmen case in Washington DC is asking the Federal Court to declare the 2003 election invalid where the 1999 Constitution was approved.

If the freedmen win the Washington lawsuit and the 2003 election is declared invalid, the two new Justice seats would become invalid and anything decided involving the two Judges would be in question.

It is precarious the two Judges in such an obvious conflict did not recuse themselves. Instead they remained seated; both agreeing with Chief Justice Matlock and placing the validity of freedmen citizenship

in jeopardy, yet neither wrote a word in the majority opinion.

Council tabled the request for the additional \$500,000 of funding for attorney fees until the amount expended to date could be accounted for. This month another request is expected but the Administration will have a hard time convincing Councilors that the money is required to protect tribal sovereignty after the best sovereignty firm in the Country bowed out saying the case is all about Civil Rights.

The new attorney firm hired, Orrick, boasts a 100% success record litigating cases in San Francisco for the Civil Rights of Gays, Lesbians, Bi-Sexuals and Transvestites.

To see if Council will pay attorneys with Cherokee peoples' money to fight Cherokee people who are fighting for their Cherokee citizenship watch the Executive and Finance Committee meeting this month online via streaming video. www.cherokee.org

Upon the petition being validated by the Court the Attorney General revised the question submitted for the ballot by Ketcher. Hammons added the last sentence on the ballot to clarify the question for voters explaining, "Neither a "yes" nor a "no" vote will affect the citizenship rights of those individuals who are original enrollees or descendants of Cherokees by blood, Delawares by blood, or Shawnees by blood as listed on the Final Rolls of the Dawes Commission Rolls closed in 1906."

If Congress freezes federal program funds to the Cherokee Nation or if the tribe loses federal recognition could it be considered a negative affect to the citizenship rights of by blood tribal members and could the Attorney General be held liable in a class action lawsuit by all citizens by blood for misrepresentation of the facts in an election or election fraud? Stay tuned. More will be revealed in this exciting saga to determine if the Cherokee people will fight for a democracy or if corruption will take over and they will bow down to their King!

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Email: _____

Old ADDRESS _____

CITY _____ STATE _____ ZIP _____

Phone #: (____) ____ - ____

email or snail mail

Email: _____ 0407

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Chief Smith keeps telling us we need to vote for his 2007 slate for tribal councilors, so he can get things done. They will work together as a team.

Sounds good, but is it constitutional? It says that no branch of government is to control another. No one person is to control all branches of government. If one person has control of all three branches of government it's a dictatorship. Which is what we have been working under for 3 1/2 years already.

We have seen this slate in action over these last 3 1/2 years. Tribal councilors voting to approve an act in committee. Then have Chief Smith Veto's it, then his slate not doing anything to overturn the veto. Which amounts to doing what the Chief wants even when it is a great act of law. Their actions are puppets, bought & paid for.

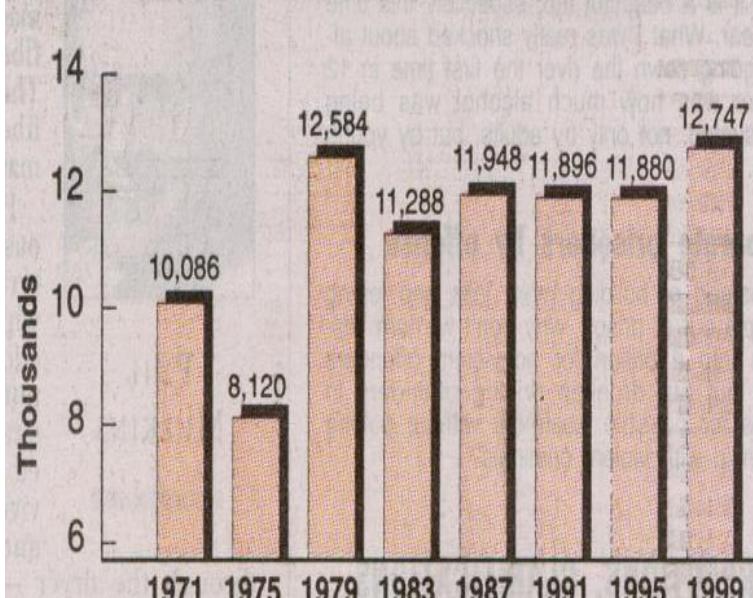
These are main puppets from the 2003 slate.

Meredith Frailey (6)
Jackie Bob Martin (2)
Cara Cowan Watts (7)
Buel Anglen (8)
Don Garyn (4)
Audra Smoke Conner (2)

* Jack O. Baker (2)
* new At Large

Over these last 3 1/2 years, chief met with these slate members outside of the tribal complex to plan how, who and what was to be presented at the tribal council meetings. This could be that they conspired; (to plan together secretly.) to follow Chief Smith's orders. This may be in violation to constitution.

"DON'T VOTE A SLATE"

Votes cast in Cherokee chief elections

The Cherokee Observer
DGWY Ds4oJ
The Only Independent Cherokee Newspaper
P.O. Box 487
Blackwell, OK 74631-0487
e-mail: cwyobserver@yahoo.com
editors@cherokeeobserver.org
Phone/Fax: 1-580-363-5438
PUBLISHER: Marvin J. Summerfield
OWNER: Cherokee Observer, Inc.
www.cherokeeobserver.org

Back Issues rate per copy \$2.00
Yearly Mailing Rate (domestic) \$22.00
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Stories of progress and pictures of pretty buildings are very believable by strangers that all is well on the home front and who never hear the words, "We have no more money" from people working inside those pretty buildings. Non-resident voters in the upcoming election will predominantly be convinced of the issues by how it was presented in this publication.

Shocking evidence was discovered several months ago of a possible media strategy being developed by the Administration, when the Chief's Press Secretary left a folder in her chair after a Council meeting. Examination of the two inches of paper work revealed extensive research into how a media specialist can effectively spin the facts to convince and manipulate the masses. The documents contained various methods used within governments through history including tactics perfected by Nazi leadership under Adolph Hitler and communist leader Joseph Stalin.

The most serious problems that still exist today within the Cherokee Nation of Oklahoma, (CNO) stem from the basic governmental structure set up during the 1970's under the leadership of Ross O. Swimmer. More is likely to be revealed about the fabric of the foundation of CNO in the upcoming months. What members have believed for decades may soon be exposed as simply another in the long series of lies.

It began in 1973 when community members were asked to design a constitution for the CNO by then Principal Chief W.W. Keeler and tribal attorney Ross O. Swimmer. Members of that delegation

Has Cherokee Nation Been Organized Or Is Organized Crime Taking Over?

have stated they perfected a document based on the 1839 Cherokee Constitution. However the old government, with the structure specified under the 1839 Constitution, was never reconvened so that amendments would be born from and filtered through the structure that originated with the wisdom of Cherokee ancestors.

The reality of what CNO really is will only be answered when "Father Time" creates such a serious incident that federal courts are pressed to render a final decision on the age old question: can or must the Cherokee Nation of Oklahoma prove that it is a legitimate, legal government descending from the Cherokee Nation of 1839 to enjoy tribal sovereignty? Or is the CNO today masquerading as a tribe but in reality a corporation operating under questionable authority and exercising questionable sovereignty?

The Cherokee freedmen issue presently in the Federal Court may determine this dilemma much sooner than most realize. **Wisdom**, "A house built on sand will never stand."

Closer examination of the evidence surrounding the organization of the CNO suggests it may actually be a brand new Cherokee ground designed in a corporate structure under the guise of the old government. One of the biggest differences missing in the government today is appropriate representation for the people within the legislative body provided under the old Cherokee. Today's tribal membership nears 350,000 people.

The original final draft that was presented in 1975 to the Cherokee people for their

approval ran several months ago in the Cherokee Observer and can be read online in its entirety at www.cherokeeeobserver.org.

The final draft in 1973 was taken into the communities for approval. When the Cherokees went to vote on the constitution they thought they were voting on the approved final draft of 1973. A majority of voters approved the constitution. Councilors were then known as community representatives, and they also approved the 1973 final draft.

However in 1976 after the election the constitution that was publicly handed out to Cherokee people was not the same document that the people and community reps, (Councilors) had voted on. According to Constitutional Convention Delegates, Swimmer changed portions of the completed document prior to submitting it to federal officials for approval and signature.

One obvious change was the age requirement for a Chief. The 1839 Constitution and the convention delegation had specified the minimum age for Chief as 35 years. Swimmer was only **32 years of age at the time**. When the Constitution was returned from Washington DC the required age had been altered to 30 years old.

During an interview published years afterward Swimmer explained that he had designed the Cherokee government more like the structure of a corporation. Swimmer stated that he changed the number of Legislators to an arbitrary number of 15 because he felt it would be hard enough to get anything done with 15 people much less 35.

The founders designed a bicameral government with the Legislative Branch having two houses just as it was under the 1839 Constitution. The Council of the Cherokee Nation was the lower house and the Senate of the Cherokee Nation was the upper house. The Senate would consist of 2 members from each district, (18 Senators) and the Council would consist of 3 members from each district, (27 Councilors) for a total of 35 Legislators. The 1973 Final Draft that ran in the tribal paper called the Cherokee Nation News on December 11, 1973 after it had been approved by the communities and the reps stated; The Legislative may reapportion but may not reduce the number of Senators or Representatives for each district.

This one change creates the most critical thing every voter must realize in the upcoming election. When Swimmer reduced the size of the Council to 15 he created a mathematical flaw in the government that enables a Chief to control the Legislative Branch with only 6 loyal votes. Voting for a chief-slate member is like putting the Chief in that seat on the Council. Time has proven slate members represent the Chief, not the districts.

Because an over ride of a veto requires two thirds of Council, any Chief who has only six loyal Councilors, can hamstring the Legislative Branch and prevent anything from getting through the government that the Chief opposes because his veto can not be overridden. That situation was seen many times this term when good legislation was approved unanimously in full council yet vetoed by the Chief. Upon calling for an over ride vote, six of the Chief's loyal slate members reversed

their own vote to prevent the over ride after they had approved the legislation in the previous month's meeting.

The power of removal from office rests with the legislative branch but requires two thirds of the Council support to remove a Chief, a Councilor, and a Judge and now under the 1999 Constitution the Attorney General and Marshal. Any Chief who has six loyal Councilors can prevent anyone from being impeached from office.

We also saw several years ago six Councilors prevent the Legislative from even being able to function by boycotting because the quorum requirement is two thirds to conduct business.

Initially there was no court within the government. The Judicial Appeals Tribunal, (JAT) was originated only to settle employee disputes within the tribe. The federal government banned all Indian Courts under the Curtis Act of 1898. To provide for reorganization of tribes, allowing them to design governments with a court system, the Oklahoma Indian Welfare Act, (OIWA) was enacted.

Because the Cherokee Nation has never been reorganized under the OIWA it is questionable if the tribe has proper legal authority for tribal courts. However the Chief appoints all Judges to both the District Court and five Justices to the Supreme Court paying them nearly \$50,000 each annually.

Because the Chief appoints Judges, cases involving the Chief have ended in questionable decisions by the Judicial. The extreme punishment within tribal law is

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Voting Record – A Report Card For Incumbents

CNO was presented this term but most of it failed to get through the system for two reasons, the veto power of the Chief and his loyal political slate members on the Council (Martin, Garvin, Cowan, Anglen, Johnson, Frailey & Jack Baker) refusing to over ride the veto.

Legislation that would have created better checks and balances within the government by electing an Attorney General, the prosecutor for the tribe, rather than being appointed by a Chief FAILED.

Legislation that created more quality health services including creating a fund for crowns in dental clinics, funds for hearing aids and artificial limbs for diabetes patients who have lost their legs was VETOED.

Legislation that would have created the same rights for Cherokees as they have as Americans and citizens within the State to have the right to call a Grand Jury to investigate the Cherokee government FAILED.

Legislation to clean up an impossible Initiative and Referendum Petition law governing the peoples' first and second power reserved in the constitution to propose change by a petition of the people FAILED.

One serious flaw within the Cherokee governmental structure creates the reality that

a Chief who has only six loyal Councilors can effectively block and kill any legislation going through the Legislative Branch. Legislation only takes a simple majority to be approved. But if it is vetoed by the Chief it requires two thirds of Council voting to override that veto.

Such an imperfection that can easily enable the Executive Branch the ultimate power to control the Legislative Branch is critical for voters to understand before considering any candidate being endorsed by the Chief. The Legislative is the "Peoples' Branch." Your representative is supposed to be your strongest voice within your government. Vote for a voice you can trust. Every issue the Council decides should be determined by always asking themselves one question. "How will this affect my people and services to my people within my district?" Make sure your choice for Council has a conscience.

This term exemplified that districts who voted in a slate person on the Council in the last election was like placing the Chief in that district's seat. A multitude of Legislative Acts died because of the ability of the Chief and a minority of six Councilors to block and kill changes that would have created better accountability and provided more quality services.

This election, Council seats will be determined for the most part by voters within the districts. Over 13,000 non-resident voters defaulted to voting at large and will not significantly influence the jurisdictional Council races. **Your effort getting family and friends well informed of the conditions within the Cherokee government and reminding them to go vote will determine if the people win or if our tribe falls into the hands of organized crime. We will not have a second chance to change this if we fail to turn out the vote within the districts. It is your government. It is your money. Who will you trust and what are you willing to do to see that it is preserved for your grandchildren?**

The following voting records will give some examples of how the flaw discussed above was used against what was best for the people. Close examination should show why **a vote for a slate member endorsed by the Chief is the same as handing your representation for your district directly to the Chief.**

Your vote determines your voice. Choose an honest person that will work for what is best for you living in your district rather than to repay a Chief for financial or political favors.

"Power to the Cherokee People!"

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Almost a billion dollars flowed through the Cherokee Nation operations in 2006 and it all was Cherokee peoples' money. The Cherokee government is funded around \$300 million a year of Federal Funds for programs because they argue the Cherokee Nation will provide better services to Cherokee people than either the State or Federal systems can or will. Voters must trust that the people they vote into office understand this simple concept and are the kind of leaders who will be loyal to the people and fight to see this concept of serving the people well is fulfilled within their district.

Some of the most important legislation in the history of

**Cherokee Nation Tribal Council
2003/2007 Term
Veto Legislation Tracking**

Meeting	Title (Description)	Sponsor(s)	Bill John Baker	Audra Conner	Joe Crittenden	Jackie Bob Martin	David Thornton, Sr.	Phyllis Yargee	Don Garvin	Linda O'Leary	Melvina Shopouch	Johnny Keener	Meredith Frailey	Cara Cowan Watts	Buel Anglen	Bill Johnson	Chuck Hostkin	Taylor Keen	Jack D. Baker
LA#22-04 An Act Protecting Threatened Traditional Cherokee Cemeteries Providing Severability																			
Council Meeting	6/14/2004		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
No Override action taken - New language presented - See LA#33-04																			
LA#8-05 An Act Relating to Cherokee Nation Employee Termination Appeals, Providing for Severability																			
Rules Committee	1/17/2005	See 3-14-05	Bill John Baker	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	2/14/2005	Minutes	Bill John Baker	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
NO OVERRIDE ACTION TAKEN fore explanation																			
LA#13-05 An Act Amending LA#16-01 Relating to Referendum and Initiative Measures; Setting Procedures; Setting Crime and Punishment;																			
Rules Meeting	2/17/2005			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	3/14/2005			Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
VETO-Sustained	4/11/2005			Y	N	Y	N	-	N	N	Y	Y	Y	Y	N	N	N	N	Y
Subsection 19, Corporation Code Requiring Council Approval of Campaign Contributions Given by Tribal Corporations																			
Rules Meeting	5/19/2005		Linda O'Leary	Y	Y	-	N	Y	Y	-	Y	Y	Y	N	N	N	-	Y	
Council Meeting	6/20/2005			Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	
VETO-Sustained	8/15/2005			Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	A	Y	
LA#24-05 An Act Amending LA#16-01, and LA#15-04 Relating to Referendum and Initiative Measures; Setting Procedures; Setting Crime and Punishment																			
Rules Meeting	5/19/2005		Joe Crittenden	Y	Y	Y	N	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	6/20/2005			Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	
VETO-Sustained	8/15/2005			Y	Y	Y	N	N	N	-	N	Y	Y	Y	N	N	N	N	Y
LA#28-05 An Act Repealing and Superceding Cherokee Nation Law Regarding Labor and the Employment Rights Ordinance																			
Rules Meeting	7/29/2005			N	Y	N	Y	-	Y	Y	N	N	N	N	Y	Y	Y	Y	
Council Meeting	8/15/2005		Conner, Cowan, Anglen, Baker	Y	Y	Y	N	Y	Y	N	N	N	Y	Y	Y	N	N	N	-
VETO-Sustained	9/12/2005			Y	Y	Y	N	N	N	-	N	Y	Y	Y	N	N	N	N	Y
LA#8-06 An Act Allowin g for Additional Punishment for Crimes Against Public Justice Providing Severability																			
Rules Meeting	3/30/2006		Linda O'Leary	Y	N	Y	-	Y	-	N	Y	Y	Y	N	N	N	N	N	Y
Council Meeting	4/10/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N	N	N	N	Y
VETO-Sustained	5/15/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	Y
LA#23-06 An Act Establishing a Minimum Wage for Employees of the Cherokee Nation and its Corporations and Entities																			
Rules Meeting	8/31/2006		ALL CMS	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	9/11/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
VETO-Sustained	10/16/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
LA#24-06 An Legislative Act Amending LA#43-03; Authorizing the Emergency Assistance Program and Community Support Projects																			
Rules Committee	8/31/2006			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	9/11/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
VETO-Sustained	10/16/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
LA#27-06 An Legislative Act Related to Title 26 "Elections", as Amended by LA#39-05; Amending Representative Districts																			
Rules Committee	8/31/2006			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	10/16/2006		Meredith Frailey	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	N
VETO-Sustained	11/13/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
LA#34-06 An Act Amending Legislative Act#26-06 Authorizing the Comprehensive Budget for Fiscal Year 2007-Mod1;																			
Executive & Finance Committee	10/26/2006		Linda O'Leary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	11/13/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
VETO-Sustained	12/11/2006			Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
LA#35-06 A Legislative Act Related to Title 26 "Elections", as Amended by LA#39-05; Amending Representative Districts																			
Special Rules Committee	11/13/2006		Meredith Frailey	Y	Y	Y	N	Y	-	A	Y	Y	Y	-	A	N	N	Y	Y
Council Meeting	11/13/2006			Y	Y	Y	N	Y	Y	A	Y	Y	Y	Y	Y	N	N	N	Y
VETO-Sustained	12/11/2006			Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y

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continued from page 1

**Cherokee Nation Tribal Council
2003/2007 Term
Veto Legislation Tracking**

Meeting	Title (Description)	Sponsor(s)	Bill John Baker	Audra Conner	Joe Crittenden	Jackie Bob Martin	David Thornton, Sr.	Phyllis Yargee	Don Garvin	Linda O'Leary	Melvina Shotpouch	Johnny Keener	Meredith Frailey	Cara Cowan Watts	Buel Anglen	Bill Johnson	Chuck Hoskin	Taylor Keen	Jack D. Baker
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LA#18-07 An Act Relating to the Amendment of LA-96, the Cherokee Nation General Corporation Act, as Amended by LA 2-03, LA 4-04, and LA 36-05

Health Comm	3/12/2007	Joe Crittenden David Thornton	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	-	-	-	Y
Executive & Finance Comm	3/30/2007			Y	Y	Y	N	Y	A	N	Y	Y	Y	N	N	N	N	Y-	N
Council Meeting	4/16/2007		Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	Y	N

R#99-03 A Resolution Authorizing the Negotiation of a Land Management Lease Agreement for the Cherokee Trails Golf

Council Meeting	10/13/2003		Y	N	Y	Y	A	A	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
No Override Action Taken																		

R#31-06 A Resolution to Invoke the Most Favored Nation Clause of the Cherokee Nation Tobacco Tax Compact

Rules Meeting	3/30/2006	David Thornton	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Council Meeting	4/10/2006		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
No Override Action Taken																		

"Y"=Yea|"N"=Nay|"A"=Abstain|"-|=Absent or Nonmember

Check out back issues of the Cherokee Observer goto www.cherokeeobserver.org and click on the back issue link.



Cherokee election is next month

By S.E. RUCKMAN Tulsa World Staff Writer

5/10/2007

Voters will choose a chief, deputy chief and 17 tribal councilors, including two to be elected at-large.

TAHLEQUAH — Cherokee Nation voters will select their chief, deputy chief and councilors in a June 23 tribal election.

Principal Chief Chad Smith of Tahlequah will seek a third term. He is challenged by former Cherokee Nation Supreme Court Justice Stacy Leeds of Tahlequah, tribal election commission officials said.

Deputy Chief Joe Grayson faces Raymond Vann.

Voters will fill all 17 seats on the Tribal Council, including two at-large spots.

The tribe added those two at-large members to the council in 2006, about three years after Cherokee voters approved a new constitution.

The tribe's jurisdictional area is divided into nine districts. Several of those districts have more than one council seat. The seats are for either six-year or four-year terms.

District 1: Incumbent Bill John Baker is facing Barbara Dawes Martens for a seat with a six-year term. The district's second seat, with a four-year term, pits incumbent Audra Smoke-Conner against Tina Glory Jordan, Amon Baker and David Walkingstick.

District 2: Incumbent Joe Crittenden and Rita Bunch are seeking a six-year term. The second seat, with a four-year term, is sought by incumbent Jackie Bob Martin, Bob Leach, Ronnie Joe Hale, Jack Christie and Jodie Fishinghawk.

District 3: Incumbent David Thornton, seeking a seat with a six-year term, is challenged by Sam Ed Bush Jr. Incumbent Phyllis Yargee faces Janelle Lattimore Fullbright for a seat with a four-year term.

District 4: Incumbent Don Garvin faces Mickey Igert.

District 5: Incumbent Melvina Shotpouch is challenged by Harley Buzzard and Susan Lamb Reed for a seat with a four-year term. Incumbent Linda Hughes O'Leary will go against Curtis Snell for a seat with a six-year term.

District 6: Jerry Dale Troglon, Sue Fine and Chris Soap are competing for a seat with a four-year term. The incumbent in the seat

with a six-year term, Meredith Frailey, has no challengers.

District 7: Incumbent Cara Cowan-Watts will face Thelda Rucker Boen.

District 8: Incumbent Buel Anglen and Roy Herman are seeking a seat with a six-year term. The candidates for the second seat, which has a four-year term, are Bradley Cobb and Steven Earley.

District 9: This seat, which has a six-year term, has drawn challengers Rodney Lay and Chuck Hoskin Jr.

At-large seats: The candidates for the seat with a four-year term are Taylor Keen and Julia Coates. The other seat, which has a six-year term, is sought by Jack Baker and Sean Nordwall.

Registered tribal voters can vote in person or absentee. Absentee voting also is permitted in person at the tribe's election office before the election, said Patsy Morton, the Cherokee Nation Election Commission's chairwoman.

The office is at 22116 S. Bald Hill Road in Tahlequah. For additional information and to be sure voters names are on the books they may call the Election Commission offices at 918-458-5899.

Morton said tribal members who want to vote absentee must request absentee ballots. The deadline to apply for ballots for the June 23 election is Friday May 11.

Voters can cast ballots at designated polling places from 7 a.m. to 7 p.m. June 23. A form of identification is required.

Voters must be registered with the tribe and be at least 18. Votes for at-large council seats who miss the absentee request period will be allowed to vote in person at the Election Commission from 9:00AM to 5:00PM on June 19, 20 and 21.

The 2003 general election had 13,914 ballots cast. A runoff election for chief tallied 6,979 votes.

A candidates' forum is slated for 6 p.m. May 17 at Stilwell City Park. The event is hosted by the Adair County Democratic Party.

MY THOUGHTS: Can any candidate running for office use the Cherokee people's money to run for office? by Franklin "S-kiP" McLain Sr.

The answer to this question is **NO!** It appears that several may be doing just that. If they are should we vote for them? The answer is **NO**, we should not vote for them! If they can't obey our Cherokee Laws now. Then why would we want them as district representative at all, we would **NOT!**

But there one that really stands out that is Julia Coates, she is running for At-Large Tribal Councilor.

She has worked for the Cherokee Nation of Oklahoma history course for several years. Her travel, hotels, meals and other expenses are paid out of Federal and/or Tribal funds. Now is she still using these Federal & Tribal funds for her campaigning for At-Large councilor office? If she is, then that is illegal! The reason this is important, the Cherokee people needs someone representing them that is there to represent them and our Cherokee laws. Not someone that breaks our Cherokee laws before they are elected.

Our Cherokee election laws require any Cherokee running for election office that works for any program, business or commission of the Cherokee Nation of Oklahoma is to resign before running. Ms. Coates did not resign, but provided the election commission a contract that suggested she was not an employee of the Cherokee Nation of Oklahoma. Since Coates supports Chief Smith as his slate councilor, Chief Smith is paying for much of the slate's campaign. Coates is a bought & paid for slate candidate representative of Chief Smith and not for the At-Large Cherokee citizens.

So how can the Cherokee people get justice, when the system is not working correctly and the Cherokee people has no place to go to get justice. Well, we can get justice by **not voting for Chief Smith, Deputy Chief Grayson or any of Chief Smith's SLATE district representatives.**

The 3 branches are to be separate, controlled by no other branch or person because it is unconstitutional & illegal under Cherokee Laws. The past 4 years has shown us a slate of bought & paid for councilors don't work.

We all know this, you have seen it, I have seen it or mother's, Father's, grandparent's have not only seen it they have felt it too.

Our employees that are Cherokee, we know your working conditions are not good. We (the Cherokee people) know you work very hard under great pressures. But, you need to stand up and say "**I'M MAD AS HELL & I'M NOT GOING TO TAKE THIS ANYMORE!**"

MAKE A CHANGE, VOTE FOR THE GOOD GUYS & GET THE ONES ON SMITH'S SLATE DOWN THE ROAD. We need to rebuild our Nation, we need individuals that will stand up & follow our constitutional laws, not violate them or just pick the ones you want to follow. Power to the people, VOTE THEM OUT OF OFFICE - MAKE A CHANGE.

Slate Members Math On Disclosure Reports Don't Add Up

Neither has Barbara Dawes Martin running for a Cherokee District 1. Martin does show a \$402.50 amount paid to Turnbull & Associates but the 4 advertisements to date would total three times that amount.

Violations of contributions and expenditures under the election law are one of the more serious crimes within the Cherokee Nation. Candidates could be levied to pay every opposing candidate double the amount of the violation plus be cast out of the election. Penalties even reach contributors who seldom know laws surrounding contributions and expenditures that could double a contributor's donation.

§ 45. Sanctions for Violations of Contribution and Expenditure Requirements and

Prohibitions.

A. **Criminal Sanctions.** Any candidate or other person who is a citizen of the

Cherokee Nation or a member of any other federally recognized Indian tribe who has violated any requirement or prohibition in Sections 43 and 44 of the Title shall be guilty of a crime.

B. **Civil Damages.** Any candidate, other person, corporation or other legal entity who or which has knowingly made or accepted a campaign contribution or made a campaign expenditure on behalf of a candidate in violation of Sections 43 and 44 of this Title shall be liable to the Election Commission and to any party whose name appeared on the ballot in opposition to said candidate in the amount of double the value of the unlawful contribution or expenditure. Said damages shall be payable to each plaintiff filing suit in the Cherokee Nation District Court within six months of the final election date, upon a finding of a violation or violations by said Court, plus reasonable attorneys fees incurred in the suit. Reasonable attorneys fees incurred in a suit brought under this Sub-section may be awarded to the defendant if judgment is rendered in defendant's favor.

An Election Commission meeting is scheduled on May 17, at 6:00 where these incidents will be discussed and laws examined. More will be revealed as the light of truth shines ever so brightly into the dark crevices hiding deception and evil inside the Cherokee government.

Do your part in this election to save your grandchildren from having to endure a corrupt Cherokee Nation. Together we can expose and overcome it in the upcoming election. Help your friends and family to be informed. Get them out to the Hog Frys so they can learn first hand about what is going on inside their government. Then make sure they get to the polls! **The sure way for evil to win is if good people sit by and do nothing!**

"VOTE ON JUNE 23, 2007 - MAKE A CHANGE"

Court to Rule on Nepotism Violation District 8 Councilor Buel Anglen

A Motion for Summary Judgment was filed this week asking the District Court of the Cherokee Nation to rule that Councilor Buel Anglen representing the Tulsa and Washington Counties of the Nation is in violation of Nepotism Laws because his two daughters have been employees of the Cherokee Nation. The case originally filed in 2006 alleges Anglen has been seated the entire term in violation of the law.

Article 19 Section 4 of the Cherokee Code Annotated states under Employment of relatives of Council members:

"No person shall be employed in any capacity by the Cherokee Nation who is related to a member of the Council by affinity or consanguinity within the first degree. Relation by first degree includes parent, child, spouse, parent of spouse and child of spouse. All other relatives are not included within the first degree."

Anglen admitted both daughters were working for Cherokee Nation Enterprises, (CNE) the business entity over the casino operations within the tribe. Anglen argues that CNE employees are not the same as Cherokee Nation employees.

Dwight Birdwell the attorney for Councilor Linda O'Leary, from Delaware County, filed historical exhibits showing the court has always held CNE employees are employees of the Cherokee Nation, going back prior to the 1999 election when he was Chief Justice over the Judicial Appeals Tribunal, now called the Supreme Court. A Motion for Summary Judgment takes precedent in the Nepotism case and a ruling should be forthcoming prior to the election.

Anglen made a verbal comparison in a recent Council meeting saying, "Comparing CNE employees to employees working within the government, is like comparing apples to oranges."

He and the other five loyal slate members repeatedly voted to block bonuses for those employed within the tribe who supply services to Cherokee

people. Subsequently the measure has been brought back numerous times with the Chief vetoing the Act and the "loyal slate of six" (**Martin, Garevin, Cowan, Anglen, Johnson & Jack Baker**) refusing to override.

Councilors approved a one thousand dollar bonus to each employee of the Cherokee Nation government. However when the checks were issued it was discovered the Administration had withheld indirect costs just as they would on regular salaries to off set annual and sick leave thus reducing bonus checks by almost \$400 per employee.

Councilors supporting the measure argued indirect costs were all factored into the normal salary employment base and the intent of the Council was for each employee within the services portion of the tribe to receive a one thousand dollar bonus this year.

CNE hourly employees received an average bonus last year of \$1700 with salaried employees averaging \$10,000. However many CNE employees did not receive the full bonus, which skewed the actual amount paid to a chosen few into exorbitant numbers. Within the upper level salaried positions, where the 60% Indian employment ratio within the company falls drastically, employees received bonuses equaling 80-100% of the amount of their entire annual salary.

Anglen said, "The people at CNE are different. They actually bring money into this tribe. Some even work at night."

That statement was not received well by Councilor Linda O'Leary, Chair person of the Executive and Finance Committee. O'Leary stated, "I am appalled that he would say such a thing since this is his second term on this council. It is because we have good hard working employees inside our government to provide services for our people, that we receive nearly \$300 million a year from the federal government. These employees are the back bone of the Cherokee Nation government. Without them we would never have been able to grow our gaming operations into what they are today. I want to commend the

dedicated employees within the casinos for working long and irregular schedules. According to the corporate reports we are rewarding them with even larger bonuses than we are talking about here. My point is the reason for this government's existence is to provide services to the Cherokee people. Gaming is a business within the tribe we enjoy because of the umbrella of sovereignty created by self governance which is primarily funded by the influx of federal dollars."

Bill John Baker spoke passionately in support of the measure in recent Council meetings. "These people work as hard as anyone in the Cherokee Nation. Many have worked for the Nation for decades and have gotten little if any appreciation in the form of a bonus. The money is there. I believe we need to be fair to all of our employees instead of allowing the Administration to pick and choose who will get big bonuses and spend the same amount of money."

Protest was also filed with the Election Commission, against Anglen being a valid candidate in the 2007 election by Robin Mayes. Nepotism was one of the many illegalities alleged. After hearing the evidence the Election Commission voted (2-2) with Rick Doherty and Drew Wilcoxen, a Chief appointee, favoring Anglen and Jim Briggs and Dr. Charles Hathaway opposing him being eligible as a candidate. The Chair person Patsy Morton, another Chief appointee, broke the tie making the final vote (3-2), declaring that Mayes presented insufficient evidence to rule Anglen was an invalid candidate. Commissioner Wilcoxen who once served as a Cherokee Nation District Court Judge said, "This is a question for the Court to decide."

Wilcoxen's brother and Muskogee firm law partner Jim Wilcoxen is presently seated as one of the Chief's two new appointees to the Supreme Court under the 1999 Constitution. The other appointee, Kyle Haskins, a Special District Court Judge in Tulsa, served on the Election Commission of 2003 that is still in question. Haskins was reappointed by Smith to that Commission in 2005 but resigned after

his attempt to hold the appointment of Hathaway to the Commission at bay failed. The two seats of the two Supreme Court Judges could be revoked if Cherokee freedmen win their case filed in Federal Court asking that the 2003 election be cast out because freedmen were prevented from participating in the election and the Constitutional delegation that designed the amendments on the ballot one of which created the two new Justice seats.

Other issues raised in the protest by Mayes were that Anglen had lied to the Election Commission about his residency when he originally applied to be considered by Council for appointment to serve the remainder of the term after the death of Dorothy McIntosh.

Evidence was presented including a letter from the Cherokee Nation Law and Justice Department addressed to the Housing and Urban Development, (HUD) stating that Anglen had been deposed and it was the opinion of the Justice Department of CNO that Anglen had not lied to HUD by not including his income on documents supplied in an application to the Cherokee Nation Housing Authority who funded a \$45,000 total remodel of one of his rent houses under his mother's income structure.

It seemed rather than Anglen having to stand trial in the federal court system for fraud, Law and Justice decided that Anglen had instead lied to the Election Commission and Council about the address used for his residence in his application for appointment to the Council. The letter further stated that the condition was an internal matter that should be dealt with inside the tribal process.

Anglen was living in a home on Hudson Lake near Salina. Anglen, a contractor was building homes at the time on land he owned inside of the district and later moved into one of those houses.

The candidacy protest of Anglen also stated he had served two terms therefore under the 1999 Constitution was required to sit out a term before

he could legally run for the same office.

Mayes also protested the validity of Chief Chad Smith to run for his third term as Chief. The vote by the Commission ended in the same split decision, (2-2) with the Chair breaking the tie denying Mayes's argument. Mayes has appealed the Election Commission decision into the Supreme Court where the case is pending.

Another Anglen's question filed last year asked him to prove he was Cherokee by blood as required by the Constitution to sit on the Council. The court dismissed 54 documents of evidence in the case, which showed all of Anglen's ancestors were Shawnee. The court said the documents were not certified by the Office of Records in Ft Worth therefore would not be admissible as evidence. Instead the Court chose to base their ruling on one BIA document that stated "by blood."

Lay Advocate and genealogist David Cornsilk who filed the case argued the "by blood" notation was a common Bureau error on paperwork made during that period of time involving both Delaware and Shawnee members enrolled within the Cherokee tribe but that the untrue notation did not prove they were by-blood members. Cornsilk said it was ironic during his genealogical research when he found that one of Anglen's ancestors was enrolled as a Cherokee freedman on the Dawes Rolls. Anglen has adamantly opposed freedmen being citizens of the Cherokee Nation and asserted in a recent Council meeting, "I want this statement on the record, I support taking away these peoples' rights."

Anglen has served Chief Chad Smith well this term voting straight down the line as one of the "loyal slate of six" (**Martin, Garvin, Cowen, Anglen, Johnson, Frailey & Jack Baker**). Councilors the Chief has used to literally control the legislative branch and kill all legislation he opposed. Anglen has been the center of controversy since he was seated on the Council in 2001.

Profile of a Sociopath

This summarizes some of the common features and descriptions of the behavior of sociopaths.

If you recognize the traits in a candidate Please don't elected him.

Instead be cautious and get him some help!

- Glibness and Superficial Charm

- Manipulative and Conning

They never recognize the rights of others and see their self-serving behaviors as permissible. They appear to be charming, yet are covertly hostile and domineering, seeing their victim as merely an instrument to be used. They may dominate and humiliate their victims.

- Grandiose Sense of Self

Feels entitled to certain things as "their right."

- Pathological Lying

Has no problem lying coolly and easily and it is almost impossible for them to be truthful on a consistent basis. Can create, and get caught up in, a complex belief about their own powers and abilities. Extremely convincing and even able to pass lie detector tests.

- Lack of Remorse, Shame or Guilt

continued on page 8

Injunction sought on Cherokee freedmen vote

Portions attributed to the Tulsa World - 5/10/2007

OKLAHOMA CITY (AP) — Descendants of former slaves of members of the Cherokee Nation have asked a federal court to stop the tribe and federal authorities from implementing the results of a tribal election that revoked their tribal citizenship.

Six Cherokee freedmen, descendants of Cherokee slaves and free black Cherokees, requested an injunction against the tribe and the federal government in papers filed Tuesday in U.S. District Court in Washington, D.C.

The request accuses the tribe of violating a 141-year-old treaty and asks that the government be barred from recognizing Cherokee elections and distributing federal money to the tribe until tribal officials restore citizenship rights to an estimated 2,800 freedmen.

In a March 3 election, approximately two percent of the tribe's membership were enough to approve an amendment to the tribal constitution limiting citizenship to descendants of "by blood" tribal members. The vote removed descendants of the tribe's freed slaves from tribal rolls and denied them benefits, according to court papers.

On March 21, freedmen were sent letters stating that their citizenship status had been changed after the election.

On March 28, Charlene White, one of six freedmen seeking the injunction, received a letter stating that she was "no longer eligible to receive medical benefits from the Cherokee Nation" as a result of the vote.

Unless the injunction is granted, the Cherokee Nation, with about 250,000 members, will also deny freedmen their right to vote and run for tribal office in the next election, set June 23.

In a statement, Mike Miller, the communications officer for the Tahlequah-based tribe, said the injunction request was "routine legal posturing," and he accused the freedmen of using the legal process to "grab headlines" and attack the tribe's sovereignty.

However the Sonosky, Chambers, Sanchse, Endreson & Perry, LLP of Washington DC one of the best Attorney firms on tribal sovereignty that had been hired to represent the tribe in the freedmen case over the past two years just resigned stating the case is no longer about sovereignty and is now about civil rights.

Miller questioned why freedmen have not appealed their citizenship revocation in tribal courts, which granted them citizenship rights last year.

Within the DC case an Order by Federal Judge Henry H. Kennedy Jr. denying a Cherokee Nation motion to dismiss arguing jurisdiction of the court was improper because freedmen had not exhausted their remedies in tribal court. Judge Kennedy ruled exhaustion is not required because freedmen had filed suit against the Secretary of Interior which can not be heard in tribal courts.

Foes of the tribal election said it was motivated by racism. Miller said the vote was part of an effort to restore cultural identity to the tribe after more than a century of U.S. policy aimed at stripping it of its heritage.

Yet Cherokee freedmen say they have been part of Cherokee heritage for over 180 years, walked the "Trail of Tears" with Cherokees by blood and have been legal citizens within the Cherokee Nation for 140 since the Treaty of 1866. Freedmen were an active part of the tribal history serving on the Council and receiving allotments of land just like Cherokees by blood when the land owned in common was broken up into allotments.

Miller said the fundamental issue for Cherokees is to decide for themselves who is eligible to become a tribal citizen.

"The right to define tribal membership lies at the core of tribal identity and self-governance," Miller said. "We passionately believe that you must be an Indian to be in an Indian tribe."

continued from page 1 **Audit Shows CNI Writes Off \$4.8 Million Loss**
Councilors' Proof A Scam Was Real

Finance Committee and also an Advisory CNI Board member stated, "The operation had been structured like a little Enron right here in the Cherokee Nation. Once enough evidence was in, it was undeniably clear we had to do something to stop the bleeding. Others who should have been concerned were willing to turn a blind eye to the obvious corruption."

Councilors said millions of dollars were being used from a line of credit that Council had approved in 2000, to prevent a huge employee layoff after a gluton of obsolete inventory was written off the books. The \$14 million line of credit was set up under a BIA insured loan for reorganization purposes until CNI could stabilize the financial conditions.

Through 2005, CNI had successfully made payments toward the debt moving the company closer to operating in the black. In 2006, upper level officials convinced CNI Board members to approve using the line of credit to diversify the corporation's operations.

Councilors' investigation revealed a ring of radical speculation into high risk investments, which would require huge additional injections of venture capital just to sustain life in the short run. The long run of the GEG investment had no guarantees because the product being produced was twenty year old technology to make air conditioners work more efficiently. Cherokee Nation became the company's primary customer replacing air conditioning units on the complex costing almost a million dollars.

Councilors determined CNI had paid three million dollars to a group of preferred stockholders to buy controlling interest in a company called **Global Energy Group, (GEG)**. The company financials showed it also carried another \$8 million of debt owed to those same preferred stockholders but reported only having a couple hundred thousand dollars in actual tangible assets. The purchase money was paid directly to the preferred stock holders and did not go into the company to be used as operating capital. After the initial investment additional funds were required to be injected into the company for operating capital when CNI began making the units.

After the CNI purchase, GEG financials radically shifted, to begin reporting an inflated amount of goodwill in the assets, misstating the publicly traded company's financials and driving up the reported value of the stock. The erroneous accounting method was ultimately restated with full disclosure once the SEC became involved, which made the stock plummet in value.

Further investigation showed another million dollars was invested in a company named Cherokee Idling Solutions bought from the same core group of investors GEG stock was purchased from. After the million dollars was spent Smith made the decision that the tribe would not continue in the direction of Idling Solutions closing the company.

Majewski, a non-tribal member appointed by Smith, seemed to have his own ideas about the direction that had begun with Cherokee money establishing his own Idling Solutions Company in Louisiana about the same time with his son. At last report the company was in operation.

Smith attempted for months to contain the scandal dismissing the Councilors actions as "just politics." But last month the CNI 2006 End of Year Audits revealed the rest of the story. Financials reported the company's debt increasing by \$5.6 million to finance the investments in GEG and Idling Solutions, subsequently written off by the auditors for having no value.

Joe Crittenden from Adair County who serves as a CNI Advisor Board Member stated, "The situation has become glaringly obvious that the old adage certainly holds true, Figures don't lie but liars do figure. My people keep asking, "Where all the money is going." I am disgusted to think that nearly \$6 million just went out the back door of the Cherokee Nation that could have been used for services. But neither the Board nor the Attorney General, both with standing to file a federal case according to Judge Seay, has taken any action."

Crittenden added, "One person shy of a majority of the entire Council we tried everything we could do to recoup the peoples' money. But some seem more like the three monkeys who see no evil, hear no evil and

speak of no evil ignoring this glaring example of corruption."

Cherokee Nation Distributors LLC, (CND), an entity within CNI created by the Smith Administration, was the company investments were initiated through. The write off for the bad investments resulted in CND becoming insolvent, with negative worth. Smith recently moved all construction projects including the \$30 million Muskogee Health Clinic under CND operations. The entity recently completed the Sequoyah Gymnasium that began construction at an estimated \$4 million but ended at over \$9 million.

Jackie Bob Martin from Adair County also sits on the CNI Advisory Board. Martin along with other slate members voted against giving Todd Hembree, the attorney for the Council, authorization to use any legal means available to recoup the Cherokee peoples' money. Martin stated in the meeting reviewing the financials that the \$5 million really didn't matter to him and that Councilors need to be putting more money toward business ventures to create more jobs. Martin was unable to be reached by phone for comment as he has no listed phone number.

Councilor David Thornton, of Sequoyah County, who sponsored a bill last month with Joe Crittenden increasing the tribal dividend by 5% to be earmarked for Crowns on teeth, hearing aids and prosthesis limbs but was vetoed by the Chief responded to Martin's comment saying, "If we had this money back we could help more people in the Cherokee Nation to eat, hear and walk."

Thornton and Crittenden are sponsoring the creation of a "Duty Free Port" near Sallisaw on 1,100 acres along the Arkansas River the Corp of Engineers donated to the tribe under Joe Byrd. The two Councilors say, if re-elected, they will begin attracting successful private sector businesses and grow jobs for the Cherokee people that are outside of tribal politics using the leverage of sovereignty in a new direction that helps the people who want to work without having to worry about the tribe running the businesses.



PRINCI, PA L CHIEF

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DEPUTY CHIEF

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Tahlequah, OK 74464
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Joe Grayson, Jr
530 Summit Ave
Tahlequah, OK 74464
www.joegrayson.com

The Slate candidates have already chosen to stand with the Chief for the next 4 years & not for their districts.

They are bought & paid for, check their financial reports. It really tells the story.

**Vote for
Disqualified
Smith's Slate**

~~Do Not Vote For!~~

continued from page 7

Profile of a Sociopath

A deep seated rage, which is split off and repressed, is at their core. Does not see others around them as people, but only as targets and opportunities. Instead of friends, they have victims and accomplices who end up as victims. The end always justifies the means and they let nothing stand in their way.

• Shallow Emotions
When they show what seems to be warmth, joy, love and compassion it is more feigned than experienced and serves an ulterior motive. Outraged by insignificant matters, yet remaining unmoved and cold by what would upset a normal person. Since they are not genuine, neither are their promises.

• Incapacity for Love
• Need for Stimulation
Living on the edge. Verbal outbursts and physical punishments are normal.

Promiscuity and gambling are common.

• Callousness/Lack of Empathy
Unable to empathize with the pain of their victims, having only contempt for others' feelings of distress and readily taking advantage of them.

• Poor Behavioral Controls/Impulsive Nature
Rage and abuse, alternating with small expressions of love and approval produce an addictive cycle for abuser and abused, as well as creating hopelessness in the victim. Believe they are all-powerful, all-knowing, entitled to every wish, no sense of personal boundaries, no concern for their impact on others.

• Early Behavior Problems/Juvenile Delinquency

Usually has a history of behavioral and academic difficulties, yet "gets by" by conning others. Problems in making and keeping friends; aberrant behaviors such as cruelty to people or animals, stealing, etc.

• Irresponsibility/Unreliability
Not concerned about wrecking others' lives and dreams. Oblivious or indifferent to the devastation they cause. Does not accept blame themselves, but blames others, even for acts they obviously committed.

• Promiscuous Sexual Behavior/Infidelity
Promiscuity, child sexual abuse, rape and sexual acting out of all sorts.

• Lack of Realistic Life Plan/Parasitic Lifestyle
Tends to move around a lot or makes all encompassing promises for the future, poor work ethic but exploits others effectively.

• Criminal or Entrepreneurial Versatility

Changes their image as needed to avoid prosecution. Changes life story readily.

Other Related Qualities:

1. Contemptuous of those who seek to understand them
2. Does not perceive that anything is wrong with them
3. Authoritarian
4. Secretive
5. Paranoid
6. Only rarely in difficulty with the law, but seeks out situations where their tyrannical behavior will be

tolerated, condoned, or admired

7. Conventional appearance
8. Goal of enslavement of their victim(s)
9. Exercises despotic control over every aspect of the victim's life
10. Has an emotional need to justify their crimes and therefore needs their victim's affirmation (respect, gratitude and love)
11. Ultimate goal is the creation of a willing victim
12. Incapable of real human attachment to another
13. Unable to feel remorse or guilt
14. Extreme narcissism and grandiose
15. May state readily that their goal is to rule the world

(The above traits are based on the psychopathy checklists of H. Cleckley and R. Hare.)

NOTE: In the 1830's this disorder was called "moral insanity." By 1900 it was changed to "psychopathic personality." More recently it has been termed "antisocial personality disorder" in the DSM-III and DSM-IV. Some critics have complained that, in the attempt to rely only on 'objective' criteria, the DSM has broadened the concept to include too many individuals. The APD category includes people who commit illegal, immoral or self-serving acts for a variety of reasons and are not necessarily psychopaths.

8(a) Sources**SUMMERFIELD, INC.**

1903 K Southwest

Miami, OK 74354-8711

Contacts: Marvin James Summerfield

Tamara R. Summerfield

Office/Fax: 918-542-8796

Industry: NAICS 237110

Water and Sewer Line and Related Structures Construction

SBA certified this company as of 9/20/2005 .

The company's graduation date for the 8(a) program is 9/20/2014 . SBA case

www.cherokeepolitics.com

Cherokee Nation of Oklahoma

General Election
set for June 23, 2007

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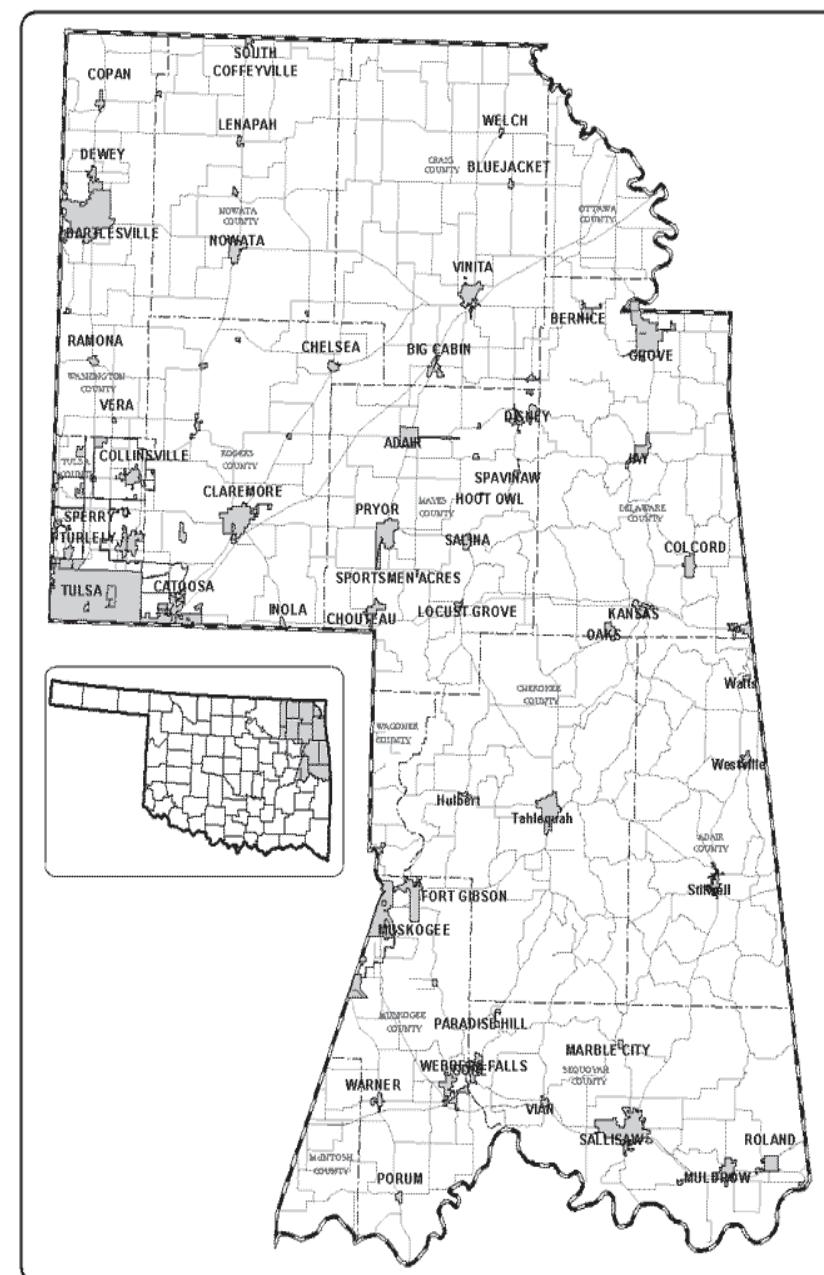
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"VOTE ON JUNE 23, 2007"

MAKE A CHANGE



Class of 1967 donated their class picture to Sequoyah High School at the Sequoyah Alumni Banquet last Saturday May 5, 2007.



The class of 1967 has never had the class picture hanging on the school walls. This was the class of 1967 40th class reunion. So the class felt it was time to donate it to the school on this special occasion.

James Jennings the class President presented the framed class picture to Amon Baker, the President of Sequoyah school board. Who was very excited to accept the class of 1967 picture to hang on the school walls.

Class members that attended the class reunion were; Darlene Pierce, Ellouse

Whitmore, Betty Jack, Loretta Thompson, Joyce Hardridge, Mary Locust, Donna Smith, Julia Waldon, Brenda Nelson, Gloria Cleveland, Patricia Lowe, Penny Harjo, Phyllis Sloan, Leroy Adair, James Jennings, Charles Sciggins, Silas Spence, Danny Lindsey, David Proctor, Danny McKenney, Franklin McLain, Ms. Peggy Hall, Mr. Bear, Mr. Lowrey, Mrs. Daniels.

Keep in touch with your classmates, contact Betty Jack-Pulver at 918-227-1508 or Leroy Adair at 918-348-4858

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"VOTE ON JUNE 23, 2007 - MAKE A CHANGE"